

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**SUBDIVISION REPORT #FPP-13-02**  
**CANYON VIEW SUBDIVISION**  
**JULY 29, 2013**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request for preliminary plat approval of Canyon View Subdivision, a 2-lot 'Subsequent Minor Subdivision' on approximately 7.4 acres. The proposed subdivision is located at 100, 112 and 114 Pheasant Road, approximately 1.5 miles southwest of the City of Columbia Falls.

The Flathead County Planning Board will conduct a public hearing on the proposed subdivision on August 14, 2013 beginning at 6:00 PM in the 2<sup>nd</sup> Floor Conference Room, 1035 1<sup>st</sup> Ave West, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. Final action on this proposal by the governing body must be taken prior to August 30, 2013, in accordance with the 60 working day review period identified in Section 4.1.4(a)(iii) of the Flathead County Subdivision Regulations (effective June 1, 2012). All documents pertaining to the subdivision are available for public inspection at the Flathead County Planning and Zoning Office in the Earl Bennett Building located at 1035 First Avenue West, in Kalispell.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee**

The proposed subdivision is not located within the advisory jurisdiction of a Land Use Advisory Council.

**B. Planning Board**

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on August 14, 2013 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

**C. Commission**

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to August 30, 2013 which is the end of the 60 working day statutory review period. This space is reserved for a summary of the Commissioner's discussion and decision.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicant/Owner**

John B. and Sandra J. Inabnit  
2445 U.S Highway 2  
Columbia Falls, MT 59912

**ii. Technical Assistance**

Marquardt Surveying  
201 3<sup>rd</sup> Ave W.  
Kalispell, MT 59901

APEC Engineering  
111 Legend Trail  
Kalispell, MT 59901

**B. Project Description:**

The proposal is for preliminary plat approval of Canyon View Subdivision, a 2-lot 'Subsequent Minor Subdivision' on approximately 7.4 acres. Both lots would be served by four existing individual on-site wells and by individual on-site sewage disposal

systems. Access would be from Pheasant Road via U.S. Highway 2.

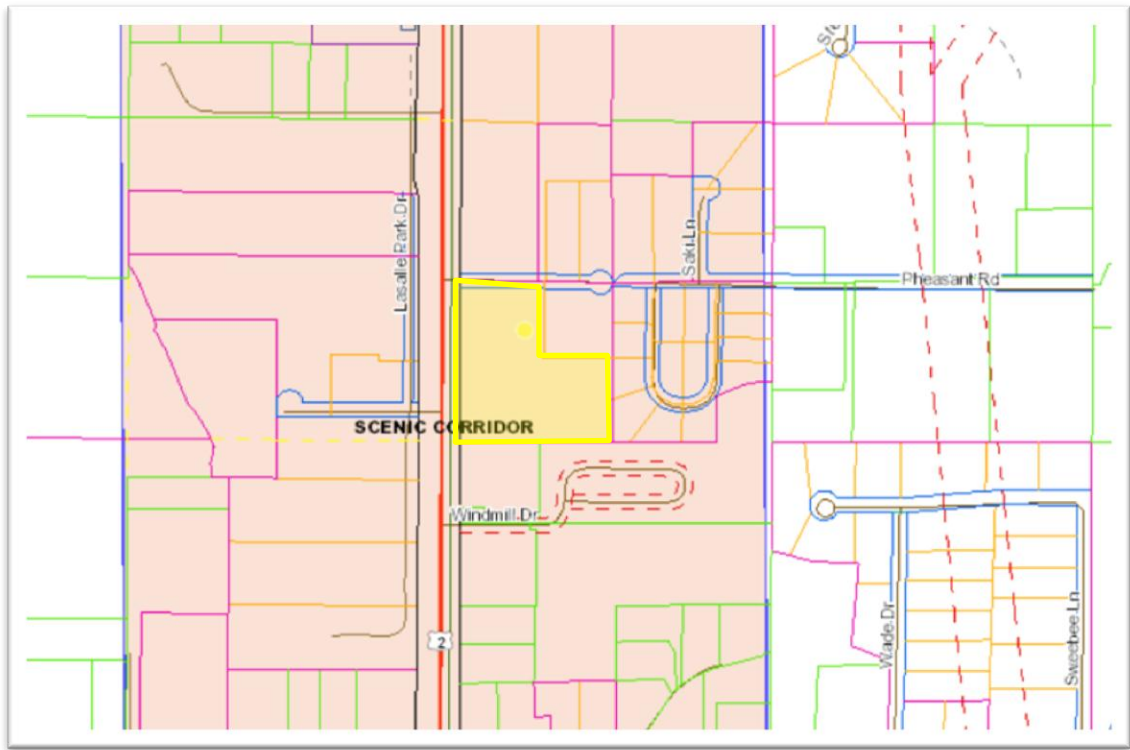
**C. Legal Description:**

The property consists of one tract that can be legally described as Tract 8A in Section 24, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.

**D. Detailed Location:**

Located at 100, 112 and 114 Pheasant Road, the subject property is located at the southeast corner of US Highway 2 East and Pheasant Road and approximately 1.5 miles southwest of the City of Columbia Falls (see Figure 1 below).

**Figure 1:** Location of subject property (highlighted yellow)



**E. Subdivision Layout Detail:**

Total Subdivision Acreage.....	7.40 acres
Acreage in Lots .....	7.40 acres
Acreage in Streets/Roads (net).....	0.20 acres
Park, Common Area and/or Open Space Acreage.....	n/a
Minimum Lot Size.....	2.33 acres
Maximum Lot Size.....	5.09 acres
Overall Gross Lot Density.....	3.70 acres
Easements.....	0.20 acres

The preliminary plat indicates:

- Existing 60-foot private road and utility easement containing Pheasant Road.

**F. Administrative Characteristics**

**i. Current Land Use**

The property is currently built-out with all improvements existing. There are three

houses, a sales office, storage buildings and a shop located on the site. Most of the property is open space with a gravel driveway and parking area encompassing most of Lot 1 and gravel and grass on Lot 2. The dwellings and office building are currently served by on-site septic and water.

**Figure 2:** Current land use of subject property (highlighted in yellow)



**Figure 3:** Current Use on Property (May 5, 2013)



## ii. Current Zoning

The subject property is zoned 'SC - Scenic Corridor.' 'SC' regulates off premise signage and cellular towers and does not regulate land uses or have bulk and

dimensional requirements. The proposed subdivision would comply with the existing zoning.

**iii. Proposed Land Use**

The property is currently built-out with all on-site improvements existing. There are three houses and a sales office located on the site. No new uses are being proposed for the subdivision. The proposed subdivision would split the lot into two, Lot 1 would contain the shop, sales office and storage buildings, and the southern tract would contain the three houses and storage buildings. The dwellings and office building will continue to be served by on-site septic and water. Lot 2 will be a flag lot and accessed via a 40 foot wide strip of land that abuts Pheasant Road.

**G. Area Characteristics**

**i. Description of Area Surrounding Proposed Subdivision**

The proposed subdivision is located 1.6 miles south of Montana Highway 40 on the east side of U.S. Highway 2. The area around the property is generally flat open space with a few groves of trees.

**ii. Average Parcel Acreage**

Parcel sizes in the vicinity of the subject property generally range from 0.5 to 10 acres in size east of U.S. Highway 2 and from 2 to 10 acres west of U.S. Highway 2.

**iii. Zoning**

The neighboring properties are zoned 'SC - Scenic Corridor.' 'SC' regulates off premise signage and cellular towers and does not regulate land uses or have bulk and dimensional requirements.

**iv. Land Uses**

The subject property is situated in an area which is developed with commercial, industrial and low density residential uses (see Figure 2 above). Adjacent to U.S. Highway 2 there are many industrial and commercial uses. Residential uses are more prevalent in the areas setback from the highway.

**i. Previously Considered Subdivisions in Area**

The property is located within a previously approved subdivision called Tri-City Ranchettes. Tri-City Ranchettes is a twelve lot subdivision with an average lot size of 4.70 acres created in 1974. The configuration of Lot 8A of the Tri-City Ranchettes Subdivision is a result of an amended plat created in 1997. Previously approved residential subdivisions in the vicinity of the subject property with similar density and use include: Tri-City Ranchettes Resubdivision of Lot 6, a subdivision with three 1.5-acre lots created in 1988, Prairie Falcon Acres, a subdivision with fourteen 0.7 acre lots created in 2003, Pheasant Grove, a subdivision with two 1.67 acres lots created in 1993, and Pheasant Acres a subdivision with four 1.0-1.5 acre lots.

**H. Utilities and Services**

**i. Water**

Use of on-site public water system proposed

**ii. Wastewater**

New on-site public septic system proposed

**iii. Electricity**

Flathead Electric Cooperative

**iv. Natural Gas**

Northwestern Energy

**v. Solid Waste**

Contract haul – Evergreen Disposal

**vi. Telephone Service**

CenturyTel

**vii. Schools District(s)**

Columbia Falls School District (K-12)

**viii. Fire Districts**

Columbia Falls Rural Fire District

**ix. Police**

Flathead County Sheriff's Department

**III. COMMENTS RECEIVED**

**A. Agency Referrals**

Referrals were sent to the following agencies on June 25, 2013:

- Bonneville Power Administration
  - Reason: The BPA has requested a copy of all agency referrals.
- Columbia Falls Elementary School District
  - Reason: The property is located within the school district boundaries and has the potential to impact school facilities.
- Columbia Falls High School District
  - Reason: The property is located within the school district boundaries and has the potential to impact school facilities.
- Columbia Falls Fire Department
  - Reason: The property is located within the department's jurisdiction, and has the potential to impact Columbia Falls Fire Department response.
- Flathead County Address Coordinator
  - Reason: The proposed subdivision may require new addresses to be assigned.
- Flathead County Superintendent of Schools
  - Reason: The proposal has the potential to impact school facilities in the county.
- Flathead County Sheriff
  - Reason: The property is located within the department's jurisdiction, and has the potential to impact response times.
- Flathead County Road and Bridge Department
  - Reason: The proposal has the potential to impact county facilities.
- Flathead County Solid Waste (FCSW)
  - Reason: The property is located within the department's jurisdiction, and has the potential to impact county facilities.
- Flathead City-County Environmental Health Department
  - Reason: The property is located within the department's jurisdiction.

- Flathead County Weeds and Parks Department
  - Reason: The property is located within the department' jurisdiction and new construction could lead to the development of weeds of the subject property.
- Glacier Park International Airport
  - Reason: The proposed subdivision is located in the 'Airport Influence Area.'
- Montana Department of Environmental Quality
  - Reason: The applicant is proposing to use on-site well and septic.
- Montana Department of Natural Resources and Conservation
  - Reason: The DNRC has requested agency referrals on anything with potential water rights issues.
- Montana Department of Transportation
  - Reason: The property is located on a U.S. Highway, and has the potential to impact MDT facilities.
- USPS Billings
  - Reason: The proposal has the potential to impact USPS delivery.

## **B. Agency Comments**

The subdivision file contains a copy of the agency referral document sent on April 25, 2013. The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Department of Natural Resources and Conservation
  - Comment: "In my research there appears to be four water rights. I have attached abstracts for 5 water rights in the name of John and Sandra Inabnit. All but the first abstract appear to be for the subject parcel. A table of the water rights I believe to be associated with the subject property is provided below. The application does not include the well log, GWIC Id: 86246, for the 33 foot well. DNRC records show that there are or have been 4 wells on the property. Which water rights will go to the Lot 1 and which will go to Lot 2? The applicant needs to provide the DNRC with the correct Geocodes for the water rights listed below after the subdivision occurs to enable the ownership of these water rights to be updated."
- Glacier Park International Airport
  - Comment: "The proposed subdivision lies within an area that experiences frequent aircraft overflights and their associated effects. These effects may include smoke, noise, dust, lights and vibrations. Federal regulations require that FAA Form 7460-1 be submitted and approved if any structure on the site or equipment used during construction will penetrate a 100:1 slope from the nearest point of the nearest runway. This form can be submitted electronically at <http://oeaaa.faa.gov>. We request that an aviation easement that names both the airport authority and the county as joint grantees be executed for the property. Please see the attached example."
- Flathead County Road and Bridge Departments
  - Comment: "At this point the County Road Department does not have any comments on this request."
- Flathead City-County Health Department
  - Comment: "The proposed development may require further sanitation review depending on the proposed use of Lot 2. If both mobile home are rentals, the

Lot is considered a trailer court by definition: MCA 76.4.102 (16) “Subdivision” means a division of land so divided that creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any subdivision and any condominium or area, regardless of size, that provides permanent multiple space for recreational camping vehicles or mobile homes.”

- Flathead County Solid Waste District
  - Comment: “The landfill capacity currently available is from 30 to 60 years based upon annual tonnage increase of 8% per year or 2% per year respectively. The district requests that all new subdivisions use a private hauler to bring solid waste to the land fill. The outlying green box sites should not be the primary method of solid waste disposal. Evergreen Disposal is the (PSC) Public Service Commission licensed hauler in this area. Their business phone number is 406-257-1739. After reviewing the project summary, I believe that the proposed request from John and Sandra Inabnit – Canyon View Subdivision is approaching the issue of solid waste in an appropriate manner.”
- Bonneville Power Administration
  - Comment: “In reviewing the proposed plan, it appears this proposal will not impact BPA transmission line corridors located within this area. BPA does not have any objections to the approval of this request at this time.”

#### **C. Public Comments**

In accordance with Section 4.1.10, adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on July 22, 2013 and notice of the proposal and public hearing was physically posted on-site on July 29, 2013. Legal notice of the public hearing on this application will be published in the July 28, 2013 edition of the Daily Interlake.

As of the date of the completion of this staff report, no public comments have been received regarding the proposal. Written public comment will be received until 5:00 PM on August 14, 2013. Any written public comment received after July 31, 2013 will be summarized verbally and entered into the public record during the Planning Board hearing on August 14, 2013, and anyone wishing to provide verbal public comment may do so in person at the hearing.

### **IV. LOCAL GOVERNMENT REVIEW**

#### **A. Review Criteria**

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed. Definitions of primary review criteria can be found in Chapter 2 of the Flathead County Development Code.

##### **i. Impact on Agriculture**

The subject property is currently built-out and not used for agricultural production. Properties to the east are primarily residential in nature, and properties to the north, south and east are currently being used for commercial and industrial purposes. It appears that none of the properties in the immediate vicinity of the subject property are in agricultural production. The evaluation of the submitted Preliminary Plat,

Environmental Assessment, and supporting documentation included with the application and a site visit has identified no adverse impacts to on-site or area agriculture which would necessitate special mitigation.

**Finding #1** – There would be minimal impact on agriculture activities as a result of the proposed subdivision because the property is not used for agricultural purposes and is not adjacent to lands currently used for agricultural uses.

## **ii. Impact on Agricultural Water User Facilities**

The subject property has no surface waters, is not irrigated, has no irrigation infrastructure on site, and is not in an irrigation district or party to any irrigation agreements.

**Finding #2** – There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.

## **iii. Impact on Local Services**

### **1. Water and Wastewater**

Existing public water and sewer services are not available for the proposed subdivision. The property is currently served by four wells; three individual wells and one shared well. One well is used by the sales office on Lot 1 and will continue to be used by the sales office. A second well is used by a residence on the west side of Lot 2 and the shared well is utilized by the two residences on the east side of Lot 2 both wells will continue to be used. The fourth well is an existing irrigation well located on Lot 2.

DNRC has provided Ground Water Certificates for the proposed subdivision. However, DNRC has requested the applicant provide them with the correct Geocodes for the four water rights on the subject property after the subdivision occurs to enable the ownership of these water rights to be updated.

Wastewater on the subject property is currently treated through individual on-site sewage disposal systems. There are currently three drainfields located on the subject property. One drainfield is located on what will become Lot 1 and services the sales office. The other two drainfields are located on what will become Lot 2. One drainfield serves the main residence and one serves the other two homes on the property.

Based on submitted agency comment, the proposed development may require further sanitation review by Flathead City-County Health Department and DEQ depending on the proposed use of Lot 2. If both mobile homes are used as rentals the lot is considered a trailer court and the subdivision would require review. The applicant has stated only one of the mobile homes is being rented and therefore would not require further review.

### **2. Schools**

The proposal is within the boundaries of the Columbia Falls School District 6 for K-12 students. Although solicited, the Flathead County Superintendent of Schools has provided no comment. Buses currently provide service to area students, and it



is anticipated that additional students may be served without introducing significant impacts to the school district. However, the subject property is currently built-out and no new construction is anticipated as a result of this subdivision, therefore this subdivision is not anticipated to generate additional school children.

**3. Mail Delivery**

The applicant has stated that a ganged mailbox facility is already established on the property to serve the sales office and residences.

**4. Recreation**

The applicant is not proposing any parkland within the subdivision. According to Section 4.7.24(a)(iv) of the Flathead County Subdivision Development Code Subdivision Regulations, parkland dedication shall not be required for subdivisions which create only one additional lot. Since the subdivision is only creating one additional lot, it would not be required to provide parkland.

While the preliminary plat does not indicate a bike/pedestrian easement situated along the eastern subdivision boundary adjacent to Highway 2, the final plat should be required to show the easement to be 15 feet in width pursuant to Section 4.7.19 FCSR because the specific location is identified as a proposed connector trail route in the Flathead County Trails Plan.

**5. Transportation Network (Roads)**

The property is located at the corner of Pheasant Road and U.S. Highway 2. Primary access to the subdivision would be off Pheasant Road a 20 foot wide paved, private road. According to the applicant all roads, driveways and access to the property are existing. The applicant is not proposing any new roads as part of the subdivision. The application includes an amended CC&R's pertaining to Tri-City Ranchettes Lots 1-12 which address long-term maintenance responsibilities for Pheasant Road. Existing CC&R's for the Tri-City Ranchettes states, "Any common or shared facilities such as a water supply systems or roadways shall be used and maintained by the owners of the lots which are served by such facilities to the extent of each owner's interest in such facilities." The subject property is Lot 8 of the Tri-City Ranchettes Subdivision and would be subject to the existing CC&R's.

The property currently contains three residential units and a sales office. The applicant estimates a total of 18 vehicle trips per day for the residential uses and 8 vehicle trips per day for the sales office. The proposed subdivision is developed and there will be no additional development or increased traffic.

Written comments submitted from the Flathead County Road and Bridge Department indicates no concern with the proposal. The Montana Department of Transportation was asked to provide comment but as of the date of this report MDT has not provided comments on the proposal.

**6. Fire/Emergency Medical Services**

The site is located within the Columbia Falls Rural Fire District and the Columbia Falls Fire Department QRU is located approximately one mile north of the subdivision on Highway 2. Although solicited, the Columbia Falls Fire Department has provided no comment.

The North Valley Hospital is approximately six miles from the proposed subdivision. According to the applicant, “Ambulance and medical services are provided by North Valley Hospital in Whitefish and/or Kalispell Regional Medical Center in Kalispell.”

Based on Section 4.7.26(b)&(d), the applicant should be required to satisfy reasonable conditions for fire suppression and/or emergency vehicle access as recommended by the Fire Department if required by the Board of County Commissioners.

#### **7. Police Services**

The property is served by the Flathead County Sheriff. Although solicited, the Sheriff’s Department has provided no comment. Given existing staffing levels, the size of the County and the dispersed nature of the population, service to this subdivision are anticipated to be consistent with other unincorporated rural areas of Flathead County and delayed response times may be experienced.

#### **8. Solid Waste Disposal**

The existing property owner currently collects and hauls all solid waste. The applicant has stated that solid waste will be deposited at the Flathead County Landfill. A letter from the Flathead County Solid Waste District requests that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill.

#### **9. Other Utilities**

According to the applicant, underground electrical service is served by and will continue to be served by Flathead Electric. Telephone service is served by and will continue to be served by CenturyTel. The property appears not to be served by natural gas.

**Finding #3** – Minimal impacts are expected on local water and wastewater services because the applicant is not proposing to use public water and wastewater services, on-site wells and septic systems are already in place, DNRC has requested and approval will be conditioned upon the applicant providing them with the correct Geocodes for the four water rights on the subject property after the subdivision occurs to enable the ownership of these water rights to be updated.

**Finding #4** – Minimal impacts are expected on local schools because it is anticipated that no school children will be generated as a result of this proposal.

**Finding #5** – Adverse impacts related to mail delivery and recreation are not anticipated as a result of the proposed subdivision as the properties are built-out, no parkland is required as a result of this proposal, the final plat should be required to show an easement for a bicycle trail 15 feet in width and ganged mailboxes already exist on-site.

**Finding #6** – Minimal impacts to the existing transportation network are anticipated because the subdivision is accessed by a paved private road, no internal roads would be constructed and no new construction is anticipated within the subdivision.

**Finding #7** - Impacts on local services would be acceptable with the imposition of standard conditions because the proposed subdivision will haul solid waste to the

landfill, the site will be served by the Columbia Falls Rural Fire District and the Flathead County Sheriff's Department in the event of an emergency, and the facility will be served by electric utilities extended underground in conformance with the applicable regulations.

#### **iv. Impact on the Natural Environment**

##### **1. Water Quality**

There is no surface waters, riparian areas, wetlands, or known areas of shallow ground water located on the subject property. Submitted information indicates depth to groundwater on the site exceeds fifteen feet from the surface. Wastewater would be managed through a drainfield system that already exists on the subject property. Stormwater runoff would be managed on-site through existing retention areas.

The water supply, sanitation, and stormwater drainage for the subdivision is currently in place and has been reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality (DEQ). Based on submitted agency comment, the proposed development may require further sanitation review by Flathead City-County Health Department and DEQ depending on the proposed use of Lot 2. If both mobile homes are rentals the lot is considered a trailer court and the subdivision would require review. The applicant has stated that only one mobile home will be rented.

Groundwater monitoring results indicate no shallow groundwater within 8-feet of the surface has been observed and groundwater has been encountered between 15 and 22 feet below the ground surface.

##### **2. Air Quality**

The subdivision is accessed via Pheasant Road a paved road and there will be no internal subdivision roads, therefore lasting impacts to air quality are not anticipated as a result of the subdivision. The applicant has submitted a draft Dust Abatement Plan compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

##### **3. Impact of Noise**

The residential use of the proposed lots is not anticipated to generate permanent continuous impacting noise to area residents or wildlife. Since no new construction will occur as a result of this subdivision, no noise will be generated from construction.

##### **4. Impact to Flora**

Containing no wetland or riparian areas, the subject property is generally open grassy land which has been farmed in the past. Weeds may propagate on disturbed areas if not managed appropriately. Pursuant to Section 4.7.25 FCSR the applicant would be required to develop and implement a weed management plan specific to be approved by the Flathead County Weed Board prior to final plat approval.

**5. Impact to Floodplain**

The property is located on FEMA FIRM panel 300029C1430G the subdivision is located in an area designated as Zone X - outside of the 0.2% annual chance floodplain.

**6. Impact to Riparian/Wetland Areas**

There would be no impact to riparian or wetland areas because no riparian or wetland areas occur on the subject property, and there are no surface waters located on or adjacent to the site.

**7. Impact to Historical Features**

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property. This proposal is not anticipated to impact historical features because all improvements on the property are existing and no new construction is anticipated.

**Finding #8** – Minimal impacts to water quality as a result of the proposed subdivision are anticipated because there is no indication of high groundwater, the water and wastewater systems have to undergone review and received approval from both MDEQ as well as the Flathead City-County Health Department and stormwater runoff is currently managed on-site such that no surface runoff would directly enter state waters or wetland areas.

**Finding #9** – The proposal would not adversely impact air quality if the applicant adheres to the provisions of the submitted dust control plan and because the access road is paved and no new construction will occur as a result of this subdivision.

**Finding #10** – Minimal impacts of noise on adjacent properties are anticipated as a result of the subdivision because new construction is not anticipated and the use is residential.

**Finding #11** – Impacts to flora are not anticipated because adherence to a weed control plan will be a condition of preliminary plat approval, and no new construction is anticipated.

**Finding #12** - No impact to floodplain, wetland or riparian areas is anticipated as a result of the proposed subdivision because none of these features have been identified as existing on the subject property.

**Finding #13** – No adverse effect to historical features is anticipated as a result of the proposed subdivision because no new construction will occur as a result of this subdivision and no historical features are known to have existed prior to development or subdivision.

**v. Impact on Wildlife**

The subject property is located adjacent to U.S. Highway 2 and is already built-out; no new construction is anticipated as a result of this subdivision. Data obtained from the Montana Natural Heritage Program indicates one ‘species of concern’, the bull trout, occur within the same Township and Range of the proposed subdivision and is likely present in the vicinity of the property. However, the property is located over ¾ of mile from the Flathead River and no lakes rivers, or streams occur on the subject property.

No endangered or threatened species are known to occupy the subject property. It appears there would be minimal impact to wildlife as a result of this subdivision.

**Finding #14** – Limited impacts to wildlife are anticipated as a result of the proposed subdivision as no endangered or threatened species are known to exist on the subject property because there is no open water.

**vi. Impact on Wildlife Habitat**

The property is mostly covered in gravel, and sparsely vegetated with grass and shrubs. There are no wetlands or riparian areas on the site. According to data obtained from the Montana Natural Heritage Program, one ‘species of concern’ known to be in the area requires specific types of habitat which are not present on the subject property, namely open water.

**Finding #15** – Minimal impacts to wildlife habitat as a result of the proposed subdivision is anticipated because the subject property contains no surface waters, wetlands, or riparian areas that may provide habitat for the species of concern.

**vii. Impact on Public Health and Safety**

**1. Flood Risk**

The property is located on FEMA FIRM panel 300029C1430G the subdivision is located in an area designated as Zone X - outside of the 0.2% annual chance floodplain. The subject property does not have streams, wetlands or lakes on it. Therefore the proposal would not introduce adverse impacts to public health and safety regarding flood risk.

**2. Water and Wastewater Treatment**

Existing public water and sewer services are not available for the proposed subdivision. Existing wells and septic systems will be utilized by the proposed lots. Comments received from the Montana DNRC indicate that the subject subdivision has four water rights for the subject property. The property is currently served by four wells; three individual wells and one shared well. One well is used by the sales office on Lot 1 and will continue to be used by the sales office. A second well is used by a residence on the west side of Lot 2 and the shared well is utilized by the two residences on the east side of Lot 2 both wells will continue to be used. The fourth well is an existing irrigation well located on Lot 2.

DNRC has provided Ground Water Certificates for the proposed subdivision. However, DNRC has requested the applicant provide them with the correct Geocodes for the water rights for the four water rights on the subject property after the subdivision occurs to enable the ownership of these water rights to be updated.

Wastewater on the subject property is currently treated through individual on-site sewage disposal systems. Submitted material indicates adequate separation from groundwater and that the subdivision would be non-significant in regard to non-degradation considerations.

Based on submitted agency comment, the proposed development may require further sanitation review by Flathead City-County Health Department and DEQ depending on the proposed use of Lot 2. If both mobile homes are rentals the lot is considered a trailer court, and further review would be required.

**3. Stormwater**

Stormwater is managed by directing stormwater to the existing retention sites where it is be absorbed. Because the property is built-out, no ground will be disturbed through the installation of subdivision improvements and therefore the developer will not be required to obtain a General Permit for Stormwater Discharges Associated with Construction Activity issued by the MDEQ. The submitted stormwater run-off calculations and the existing lot layout showing the location of existing stormwater retention areas appears to adequately manage stormwater on site. A COSA would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, as applicable, prior to final plat approval.

**4. Traffic Safety**

The subject property is located at the corner of Pheasant Road and U.S. Highway 2, with Pheasant Road providing the primary legal and physical access to the subdivision and all structures within it. Pheasant Road is a paved 20 foot wide road and the privately maintained road occurs within a 60 foot wide road and utility easement. The applicant is not proposing any interior roadways since both lots will have access to an existing private road. The property is built-out and the applicant is not proposing new construction. It is anticipated that no new traffic will be generated as a result of this proposal.

**5. High Voltage Electric Lines/High Pressure Gas Lines**

There are no exposed high voltage electric lines or high pressure gas lines on the subject property.

**6. Fire and Emergency Services**

The property is not located within the ‘Wildland Urban Interface’ (WUI) and therefore not required to include a “Fire Prevention, Control, and Fuels Reduction Plan.” The subdivision’s land-cover is comprised mainly of grass and gravel with a few trees. The site is located within the Columbia Falls Rural Fire District. A fire station QRU (Quick Response Unit) is located approximately one mile north of the subdivision on U.S. Highway 2. The North Valley Hospital in Whitefish is located approximately 6.2 road miles from the proposed subdivision. An agency referral was sent to the Columbia Falls Fire Department; however at the date of this report the fire department has not provided comments.

**7. Geologic Hazards**

According to the Environmental Assessment submitted with the application materials and confirmed by staff upon visit to the site, there is no evidence of unstable soils, rock outcroppings, slumps, falls or slides on the subject property that would indicate significant geologic hazards.

**8. Avalanche Hazards**

There are no avalanche hazards on the property.

**9. Airport Influence Areas**

Located less than 2 miles northwest of Glacier Park International Airport (GPI), the proposed subdivision is located within the northern end of the ‘Airport Influence

Area' of GPI but outside the 'Runway Approach Zone' as indicated on the land use plan for the airport. Based on the location of the subdivision location within the 'Airport Influence Area,' an agency referral was sent to the GPI to obtain comment.

Comments received from GPI state, "The proposed subdivision lies within an area that experiences frequent aircraft overflights and their associated effects. These may include smoke, noise, dust, lights and vibrations. Federal regulations require that FAA Form 7460-1 b submitted and approved if any structure on the site or equipment used during construction will penetrate a 100:1 slope from the nearest runway. This form can be submitted electronically at <http://oeaaa.faa.gov>. We request that an aviation easement that names both the airport authority and county as joint grantees be executed for the property. Please see the attached example." It is anticipated that no structure on the site or equipment used during construction will penetrate a 100:1 slope, because the property is built-out and no new construction is planned. Staff called GPI for additional clarification regarding the request for an aviation easement, and it was determined that the easement is not a requirement.

#### **10. Soils**

As indicated by the application materials and other available information, the soil primarily consists of Flathead-Creston loams and Flathead-Mires loams both of which are classified as well-drained gravely with relatively flat slopes of 0 to 3 percent. It is anticipated soils on-site would not pose a risk to public health and safety.

**Finding #16** – The Subdivision design appears to allow for safe movement of traffic and provide safe access to public roads because no new roadways will be constructed, the subdivision will have access via a private local road not the highway and no new construction is anticipated that would increase the traffic generated.

**Finding #17** – The effects of this proposed subdivision on public health and safety are acceptable because the subdivision is not located within an area mapped as Wildland Urban Interface, adequate physical and legal access to the site is currently provided, and adequate emergency services are available.

**Finding #18** – Adverse impacts related to airport influence area are not anticipated as a result of the proposal as the properties are built-out and GPI does not require an aviation easement.

**Finding #19** – Minimal risks to public health and safety are anticipated and impacts to the other criteria discussed relative to public health and safety would be minimal and acceptable with the imposition of conditions because the site is not located in a special flood hazard area, soils are generally classified as well-drained and the water, waste water, and stormwater systems are existing, and there are no hazards associated with geology, or avalanches.

#### **B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.**

The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which

would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

**C. Compliance with the Flathead County Subdivision Regulations**

No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective June 1, 2012 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

**D. Compliance with the Flathead County Subdivision Review Procedure**

**i. Pre-application Conference Date**

February 20, 2013

**ii. Submittal Date**

April 17, 2013

**iii. Completeness Date**

Complete: April 24, 2013

**iv. Sufficiency Date**

Sufficient: June 6, 2013

**v. Agency Referral Requests Mailing Date**

Sent: April 24, 2013

**vi. Adjacent Property Notification Mailing Date**

Sent: July 22, 2013

**vii. Legal Notice Publication Date**

Noticed: July 28, 2013 (Daily Interlake)

**viii. On-site Posting of Public Hearing Date**

Posted: July 29, 2013

**Finding #20** - The proposal has been reviewed as a subsequent minor subdivision in accordance with statutory criteria and standards outlined in Section 4.3.1 and 4.4.1(b) of the Flathead County Subdivision Regulations effective June 1, 2012.

**E. Provision of Easements for the Location and Installation of Planned Utilities**

The preliminary plat and application materials identify existing easements for utilities to serve the subdivision. The subject property is currently served by underground electric and telephone utilities.

**Finding #21** – The proposal includes adequate provision of easements for the location and installation of existing utilities because electricity and telephone is currently undergrounded and serving the subject property.

**F. Provision of Legal and Physical Access to Each Parcel**

The subject property is located at the corner of Pheasant Road and U.S. Highway 2, with Pheasant Road providing the primary legal and physical access to the subdivision and all and structures within it. Pheasant Road is paved 20 foot wide road. The privately maintained road does occur within a 60-ft wide road and utility easement. An existing Road User's Agreement for maintenance of Pheasant Road is filed with the Flathead County Clerk and Recorder's Office.



**Finding #22** – The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all structures within it because access is via Pheasant Road an existing paved private road.

#### **G. Review of Applicable Plans**

76-1-605(2)(b) M.C.A states that “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

##### **i. Neighborhood Plan**

The proposed Canyon View Subdivision is not located within a neighborhood plan area.

##### **ii. Flathead County Growth Policy**

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was adopted on March 19, 2007 and updated October 12, 2012. The location of the proposed subdivision is in an area designated as Scenic Corridor by the Growth Policy Designated Land Uses Map. The Scenic Corridor designation is not addressed within the text of the Growth Policy. The proposal does appear to substantially meet general goals and policies applicable to access and sanitation because the proposed subdivision would have legal access from a private road not U.S. Highway 2 and the property has existing water and sewer systems which have already undergone review to ensure safety to users and non-degradation of the natural environment. Chapter 10, Part 4 of the Flathead County Growth Policy describes the criteria required by the State of Montana and used by Flathead County to review subdivisions, and an evaluation of the proposal under these criteria has been performed with the staff evaluation and public review of the proposal.

#### **H. Compliance with Local Zoning**

The proposed Canyon View Subdivision is located in the Scenic Corridor Zoning District and is zoned ‘SC Scenic Corridor.’ The ‘SC’ zone does not regulate land uses or have any bulk and dimensional requirements. Therefore this proposal would comply with applicable zoning regulations.

**Finding #23** – The proposed preliminary plat of the Canyon View Subdivision complies with the applicable local zoning regulations because the ‘Scenic Corridor’ designation does not regulate land use or have any bulk and dimensional requirements.

#### **V. SUMMARY OF FINDINGS**

1. There would be minimal impact on agriculture activities as a result of the proposed subdivision because the property is not used for agricultural purposes and is not adjacent to lands currently used for agricultural uses.

2. There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.
3. Minimal impacts are expected on local water and wastewater services because the applicant is not proposing to use public water and wastewater services, on-site wells and septic systems are already in place, DNRC has requested and approval will be conditioned upon the applicant providing them with the correct Geocodes for the four water rights on the subject property after the subdivision occurs to enable the ownership of these water rights to be updated.
4. Minimal impacts are expected on local schools because it is anticipated that no school children will be generated as a result of this proposal.
5. Adverse impacts related to mail delivery and recreation are not anticipated as a result of the proposed subdivision as the properties are built-out, no parkland is required as a result of this proposal, the final plat should be required to show an easement for a bicycle trail 15 feet in width and ganged mailboxes already exist on-site.
6. Minimal impacts to the existing transportation network are anticipated because the subdivision is accessed by a paved private road, no internal roads would be constructed and no new construction is anticipated within the subdivision.
7. Impacts on local services would be acceptable with the imposition of standard conditions because the proposed subdivision will haul solid waste to the landfill, the site will be served by the Columbia Falls Rural Fire District and the Flathead County Sheriff's Department in the event of an emergency, and the facility will be served by electric utilities extended underground in conformance with the applicable regulations.
8. Minimal impacts to water quality as a result of the proposed subdivision are anticipated because there is no indication of high groundwater, the water and wastewater systems have to undergone review and received approval from both MDEQ as well as the Flathead City-County Health Department and stormwater runoff is currently managed on-site such that no surface runoff would directly enter state waters or wetland areas.
9. The proposal would not adversely impact air quality if the applicant adheres to the provisions of the submitted dust control plan and because the access road is paved and no new construction will occur as a result of this subdivision.
10. Minimal impacts of noise on adjacent properties are anticipated as a result of the subdivision because new construction is not anticipated and the use is residential.
11. Impacts to flora are not anticipated because adherence to a weed control plan will be a condition of preliminary plat approval, and no new construction is anticipated.
12. No impact to floodplain, wetland or riparian areas is anticipated as a result of the proposed subdivision because none of these features have been identified as existing on the subject property.
13. No adverse effect to historical features is anticipated as a result of the proposed

subdivision because no new construction will occur as a result of this subdivision and no historical features are known to have existed prior to development or subdivision.

14. Limited impacts to wildlife are anticipated as a result of the proposed subdivision as no endangered or threatened species are known to exist on the subject property because there is no open water.
15. Minimal impacts to wildlife habitat as a result of the proposed subdivision is anticipated because the subject property contains no surface waters, wetlands, or riparian areas that may provide habitat for the species of concern.
16. The Subdivision design appears to allow for safe movement of traffic and provide safe access to public roads because no new roadways will be constructed, the subdivision will have access via a private local road not the highway and no new construction is anticipated that would increase the traffic generated.
17. The effects of this proposed subdivision on public health and safety are acceptable because the subdivision is not located within an area mapped as Wildland Urban Interface, adequate physical and legal access to the site is currently provided, and adequate emergency services are available.
18. Adverse impacts related to airport influence area are not anticipated as a result of the proposal as the properties are built-out and GPI does not require an aviation easement.
19. Minimal risks to public health and safety are anticipated and impacts to the other criteria discussed relative to public health and safety would be minimal and acceptable with the imposition of conditions because the site is not located in a special flood hazard area, soils are generally classified as well-drained and the water, waste water, and stormwater systems are existing, and there are no hazards associated with geology, or avalanches.
20. The proposal has been reviewed as a subsequent minor subdivision in accordance with statutory criteria and standards outlined in Section 4.3.1 and 4.4.1(b) of the Flathead County Subdivision Regulations effective June 1, 2012.
21. The proposal includes adequate provision of easements for the location and installation of existing utilities because electricity and telephone is currently undergrounded and serving the subject property.
22. The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all structures within it because access is via Pheasant Road an existing paved private road.
23. The proposed preliminary plat of the Canyon View Subdivision complies with the applicable local zoning regulations because the 'Scenic Corridor' designation does not regulate land use or have any bulk and dimensional requirements.

## **VI. CONCLUSION**

In accordance with the provisions of Section 4.3 and 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to Findings of Fact stated above, or can be mitigated with conditions of approval. Should the Planning Board forward a recommendation of approval

of this subdivision to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation.

## **VII. CONDITIONS**

### **A. Standard Conditions**

1. The applicant shall receive a physical address in accordance with Flathead County Resolution #1626B, as applicable. All road names shall appear on the final plat. Street addressing shall be approved by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department indicating the main Canyon View Subdivision approach has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
3. The applicant shall comply with reasonable fire suppression and access requirements of the Columbia Falls Rural Fire Department. A letter from the fire chief stating that the plat meets the requirements of the fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]
4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.13(g) and 4.7.25, FCSR]
5. All internal subdivision roads shall be certified by a licensed engineer and constructed and paved at least 22-feet wide in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
6. With the application for final plat, the applicant shall provide a compliant Road Users' Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, 4.7.20, 4.7.21 FCSR]
8. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the facility. [Section 4.7.22, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]

- c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
  - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
  - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
- 10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
  - 11. All utilities shall be placed underground. [Section 4.7.23, FCSR]
  - 12. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
  - 13. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
  - 14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
  - 15. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
  - 16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13, FCSR]
  - 17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

#### **B. Project-Specific Conditions**

- 18. Prior to final plat approval of the subdivision, the applicant shall provide evidence that all applicable permit requirements of the Department of Natural Resources Water Resources Division for the water supply have been met.

19. The applicant shall provide DNRC with the correct Geocodes for the four water rights on the subject property prior to final plat approval to enable the ownership of these water rights to be updated.
20. A bike/pedestrian path easement of compliant width (15-feet) shall be shown on the face of the final plat. [Sections 4.7.19 FCSR]

Planner: EKM